IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.899 OF 2005

IN

AWARD DATED NOVEMBER 5, 2004

DLF Universal Ltd. ...Claimant

Versus

Essar Steel Ltd. ...Respondent

.....

Mr.P.C.Mody i/b Mr.Mustafa Motiwala for Claimant.

Mr.Aditya Khandeparkar i/b M/s.Khaitan & Jayakar for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

OCTOBER 18, 2005.

P.C.

1. Heard Counsel for the parties.

2. The only objection taken by the Respondent to oppose this Application is that the Chamber Summons is premature, inasmuch as the award was still pending challenge in this Court. That

objection no more survives, since the Arbitration Petition has been disposed of in view of the order passed in Notice of Motion No.2777 of 2005 on 3rd October 2005. As delay in filing the Arbitration Petition has not been condoned, as a necessary consequence, Arbitration Petition cannot be registered or proceeded further.

3. Accordingly, as no other objection is forthcoming, Chamber Summons is made absolute in terms of prayer clause (a) with modification that the Respondent shall file the affidavit in terms of this order within four weeks from today.

4. It is made clear that the affidavit of disclosure of assets to be filed by the Respondent will also indicate encumbrances in respect of any of the property.

A.M.KHANWILKAR, J.